

**From:** Southeast Region CSA  
**To:** Microsoft ATR  
**Date:** 1/25/02 10:13am  
**Subject:** Microsoft Settlement

To:  
Renata B. Hesse  
Antitrust Division  
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I believe the Proposed Final Judgement (PFJ) for the Microsoft case falls short in a number of areas:

1. I do not believe the PFJ puts into place a sufficient enforcement mechanism.
2. The definitions of "API", "Microsoft Middleware", "Microsoft Middleware Product", and "Windows Operating System Product" are not sufficiently broad to prevent Microsoft from effectively circumventing the intent of the PFJ in many cases.
3. The PFJ would much more effectively strengthen competition in the Intel-compatible marketplace by explicitly allowing and protecting the use and implementation of Windows APIs on competing operating systems. This would allow applications written for Windows operating systems to be run on competing systems, thereby lowering the high barrier to entry for those competing systems.
4. The patents supposedly covering the Windows API should be disclosed. As it stands, the undisclosed patents act as an additional barrier to entry for competing operating systems that seek to re-implement the Windows API.
5. The PFJ should explicitly demand that descriptions of file formats used by Microsoft application software be made public and freely usable. This would allow applications written for Windows or competing operating systems to interoperate more effectively with Microsoft applications, thereby reducing the high barrier to entry for competing systems.
6. The PFJ needs to be expanded to address exclusionary practices that harm competition from Open Source software and operating systems that compete with Microsoft Windows. For example, in its current form the PFJ does not address Microsoft SDK End User License Agreements (EULAs) that prohibit the SDKs' use with Open Source software. These practices raise the applications barrier to entry for competing operating systems.

Thank you for taking the time to consider my comments.

Note that these comments represent my own opinion and do not necessarily those of my employer.

Regards,  
Chris Armstrong

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Chris Armstrong

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